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Attorneys for Plaintiff and Proposed Class

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

DAVID LOWERY, individually and
on behalf of himself and all others
similarly situated,

Plaintiffs,

vs.

SPOTIFY USA INC., a Delaware
corporation,

Defendant.

Case No. 2:15-cv-09929-BRO-RAO

The Hon. Beverly Reid O'Connell

**JOINT STIPULATION TO DISMISS
WITH PREJUDICE COUNT TWO
OF THE COMPLAINT**

1 Plaintiff David Lowery (“Plaintiff”), individually and on behalf of all those
 2 similarly situated, and Spotify USA Inc. (“Defendant”), by and through their
 3 respective attorneys of record below, hereby enter into this Joint Stipulation,
 4 subject to the Court’s approval, with reference to the following circumstances:

5 WHEREAS, on December 28, 2015, Plaintiff filed the Class Action
 6 Complaint in the above-captioned action in the United States District Court for the
 7 Central District of California (Dkt. 1) (the “Complaint”); and

8 WHEREAS, at the conference of counsel pursuant to L.R. 7-3, which took
 9 place on February 5, 2016, counsel for Spotify indicated Spotify’s intent to move
 10 for dismissal of Count Two of Plaintiff’s Complaint; and

11 WHEREAS, Plaintiff’s counsel responded on February 10, 2016 that it
 12 would voluntarily withdraw Count Two of the Complaint, thus narrowing the
 13 scope of the issues now before the Court.

14 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff
 15 and Defendant, as follows:

- 16 1. Count Two of the Complaint is dismissed with prejudice.
- 17 2. Each party shall bear its own costs, expenses, and attorneys’ fees in
 18 connection with Count Two of the Complaint.

19 **IT IS SO STIPULATED.**

20 Dated: February 11, 2016

MAYER BROWN LLP

22 By: s/ John Nadolenco
 23 John Nadolenco
 24 *Attorneys for Defendant*
 SPOTIFY USA, INC.

MICHELMAN & ROBINSON, LLP

26 By: /s/ David C. Lee
 27 David C. Lee
 28 *Attorneys for Plaintiff and Proposed Class*

ATTESTATION

Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), I, David C. Lee , attest under penalty of perjury that I have obtained concurrence and authorization from John Nadolenco to affix his electronic signature to this filing.

Dated: February 11, 2016

By: /s/ David C. Lee